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6 *Attorneys for Relator STF, LLC*

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8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 UNITED STATES OF AMERICA *ex rel.* STF,  
11 LLC, an organization; STATE OF  
CALIFORNIA; *ex rel.* STF, LLC, an  
12 organization,

13 Plaintiffs,

14 v.

15 VIBRANT AMERICA, LLC, a Delaware  
limited liability company,

16 Defendants.  
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**Case No. 3:16-cv-02487-JCS**

**JOINT UPDATED CASE  
MANAGEMENT CONFERENCE  
STATEMENT**

JOINT UPDATED CASE MANAGEMENT CONFERENCE STATEMENT ;  
Case No. 3:16-cv-02487-JCS

**JOINT UPDATED CASE MANAGEMENT CONFERENCE STATEMENT**

Relator STF, LLC (“Relator”), and Vibrant America, LLC (“Vibrant” or “Defendant”), submit this Joint Updated Case Management Conference Statement. The Parties submitted their Initial Joint Case Management Statement and Rule 26(f) Report on April 3, 2020 (Docket No. 42).

1. **Motions:** Defendant’s Motion to Dismiss is fully briefed, with the continued hearing set for August 21, 2020.

2. **Discovery:**

Formal discovery, including exchange of initial disclosures, was temporarily stayed by stipulation due to Defendant’s involvement in Covid testing. (Docket No. 42.) Subsequently, Relator requested the discovery stay be lifted (*see* Docket No. 67), but the Court ordered that the stay on discovery be continued to August 21, 2020 (*see* Docket No. 68). The Parties further stipulated that notwithstanding the stay, Defendant would produce all documents produced during the government’s investigation, and Relator would produce documents submitted to the government as part of the Relator’s disclosure statement.

On May 27, 2020, Defendant produced to Relator all documents produced during the government’s investigation, to Defendant’s knowledge at that time. On July 16, 2020, Defendant learned of an additional production made to the government by Defendant’s prior counsel. Neither Vibrant nor its current counsel is in possession of that prior production, which was prepared and produced by Vibrant’s prior counsel. Vibrant’s current counsel has been advised that prior counsel is no longer associated with the prior counsel’s firm. Vibrant’s current counsel is making its best efforts to locate and produce the production.

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3. **Mediation:** Mediation is set for September 17, 2020, before Martin Quinn, of JAMS. However, the Parties are contemplating a continuance of the Mediation due to the continuance of the Motion to Dismiss hearing from July 24, 2020 to August 21, 2020.

Dated: August 14, 2020

**COTCHETT, PITRE & McCARTHY LLP**

By: /s/ Justin T. Berger  
 NIAL P. McCARTHY  
 JUSTIN T. BERGER

Attorneys for Relator

Dated: August 14, 2020

**FOLEY & LARDNER LLP**

By: /s/ Lori A. Rubin  
LORI A. RUBIN  
THOMAS S. BROWN

*Attorney for Defendant Vibrant America, Inc.*